

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DELOS "PETE" FULWYLIE,

Petitioner,

Case No. 98-80357

v.

Honorable John Corbett O'Meara

UNITED STATES OF AMERICA,

Respondent.

**ORDER DENYING PETITIONER'S MARCH 26, 2008
MOTION TO MODIFY IMPOSED TERM OF IMPRISONMENT**

This matter came before the court on petitioner Delos "Pete" Fulwylie's March 26, 2008 motion to modify imposed term of imprisonment. The government filed a response April 30, 2008. No reply was filed, and no oral argument was heard. LR 7.1(3)(1)(E.D. Mich. Dec. 1, 2005).

Petitioner moves for a reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(2), based on an amendment to the Sentencing Guidelines that lowered the base offense levels applicable to cocaine base ("crack") offenses. The lowering of the base offense levels for crack offenses was made retroactive under USSG § 1B1.10. In this case petitioner Fulwylie's conviction was based on the large scale distribution of marijuana, not crack related offenses; therefore, he is ineligible for relief under the amendment.

It is hereby **ORDERED** that Petitioner's March 26, 2008 motion to modify imposed term of imprisonment is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Dated: May 29, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 29, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager